

**MINUTES  
URBAN COUNTY PLANNING COMMISSION  
SUBDIVISION ITEMS**

**February 14, 2013**

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Mike Owens, Chair; Eunice Beatty (arrived at 1:34 PM), Will Berkley, Carla Blanton, Patrick Brewer, Mike Cravens, Karen Mundy, Lynn Roche-Phillips, Carolyn Plumlee and William Wilson. Frank Penn was absent.

Planning Staff Present – Bill Sallee; Tom Martin; Barbara Rackers; Chris Taylor; Cheryl Gallt; Dave Jarman and Denise Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Captain Charles Bowen, Division of Fire and Emergency Services; Jeff Neal, Division of Traffic Engineering; Tim Queary, Department of Environmental Quality and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The Chair noted that there were no minutes to be considered at this time.

- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

- a. DP 2013-6: SAMS PROPERTY (AMD) (2/24/13)\* - located at 2640 Spurr Road.  
(Council District 2)

**(Strand & Associates)**

Note: The purpose of this amendment is to add two industrial buildings.

The Subdivision Committee Recommended: **Postponement.** There were questions regarding the proposed uses, sanitary sewer service and the need for tree protection areas and improvements to Greendale Road and Spurr Road.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of fire hydrant, fire department connections and fire service features locations.
10. Division of Waste Management's approval of refuse collection.
11. Kentucky Transportation Cabinet's approval of the access to Greendale Road.
12. Denote tree protection areas.
13. Addition of owner/developer information.
14. Revise contour information (2' contours).
15. Denote construction access location.
16. Denote building heights.
17. Addition of proposed easements.
18. Denote septic drain field location for Lot 1 on plan.
19. Discuss reciprocal parking and access for new buildings.
20. Discuss proposed access nearest to railroad crossing.
21. Discuss parking and pavement conflict with existing tree areas along railroad lines.
22. Discuss possible improvements to Greendale Road and Spurr Road.
23. Discuss proposed uses and amount of pavement on Lots 2 and 3.
24. Discuss development of Lots 2 and 3 relative to timing of sanitary sewer service.

Representation – Sara Tuttle, Strand & Associates, was present representing the applicant, and requested postponement of DP 2013-6: SAMS PROPERTY (AMD) to the March 14, 2013, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 10-0 (Penn absent) to postpone DP 2013-6: SAMS PROPERTY (AMD) to the March 14, 2013, Planning Commission meeting.

- b. BOAR 2013-1: WILLIAM KEVIN MURPHY – an appeal of the Board of Architectural Review's issuance of a Certificate of Appropriateness on an adjoining property at 137 W. Bell Court. (Council District 3)

Note: This appeal was postponed by the Commission at its January 31, 2013, meeting.

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\* - Denotes date by which Commission must either approve or disapprove item.

The Staff Recommended: **Disapproval**, and that the decision of the BOAR be upheld, for the following reasons:

1. Issuance of a Certificate of Appropriateness by the Board of Architectural Review is consistent with their charge in determining appropriateness of a request, based on the Design Guidelines established by the local Historic Preservation Commission. In this case, all of the Guidelines cited by the Historic Preservation staff in its report to the BOAR appear to be equally applicable and support the BOAR's decision.
2. The property owner/applicant met the conditions set forth by the Board of Architectural Review in their 2001 action to approve the deck specific to providing a plan for lowering the proposed deck, as well as a landscape plan. These conditions were met prior to the issuance of the COA and are therefore not reflected as conditions on the permit.
3. Even if a condition for landscaping had been imposed by the Board in 2001, the trees that were recently removed and that are being questioned with regard to this appeal were not of the size that require BOAR approval or even a staff-issued permit. It was the right of the property owner to remove those trees and request a further change to the property, which has been done and was subsequently approved by the BOAR in a public hearing.

Staff Comments – Ms. Rackers said that the staff had received a letter from the appellant requesting postponement of BOAR 2013-1: WILLIAM KEVIN MURPHY to the March 14, 2013, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. Mr. Richard Murphy, attorney, clarified that he represents David Jones, who is the property owner; not Kevin Murphy, who is the appellant. He said that they had received word that Mr. Murphy would be requesting a postponement of this request due to a death in the family, and they were agreeable with that request.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 10-0 (Penn absent) to postpone BOAR 2013-1: WILLIAM KEVIN MURPHY to the March 14, 2013, Planning Commission meeting.

- c. ZDP 2012-76: DEERFIELD SHOPPING CENTER (2/14/13)\* - located at 1949 Nicholasville Road.  
(Vision Engineering)

Note: The Planning Commission postponed this plan at their September 27, 2012 and January 17, 2013 meetings. The Urban County Council approved the zone change request at their November 27, 2012, meeting.

The Subdivision Committee Recommended: **Postponement**. There are issues with the screening and buffering proposed adjacent to a residential subdivision.

Should this plan be approved, the following conditions should be considered:

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Denote current floodplain information on plan.
8. Denote record plan name.
9. Clarify site statistics (floor area).
10. Verify required parking for restaurant (square footage/seating ratios).
11. Addition of Nicholasville Road street cross-section and Collins Lane access easement cross-section.
12. Denote proposed and existing storm sewer locations to the approval of the Division of Water Quality.
13. Resolve utility line and proposed building conflicts.
14. Denote proposed storm water detention location to the approval of the Division of Water Quality.
15. Discuss tree protection, landscaping and buffering perpendicular to Nicholasville Road.
16. Discuss building height adjacent to residential uses.
17. Discuss disposition of existing improvements in Nicholasville Road right-of-way.
18. Discuss timing of revisions to the current FEMA floodplain.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant requesting postponement of ZDP 2012-76: DEERFIELD SHOPPING CENTER to the March 14, 2013, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Brewer, seconded by Ms. Mundy and carried 10-0 (Penn absent) to postpone ZDP 2012-76: DEERFIELD SHOPPING CENTER to the March 14, 2013, Planning Commission meeting.

*Note: Ms. Beatty arrived at this time.*

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- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, February 7, 2013, at 8:30 a.m. The meeting was attended by Commission members: Will Berkley, Eunice Beatty, Mike Owens, Carolyn Plumlee and Karen Mundy. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Chris Taylor, David Jarman and Denice Bullock, as well as Captain Charles Bowen, Division of Fire & Emergency Services and Tracy Jones, Law Department. The Committee made recommendations on plans as noted.

*General Notes*

*The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.*

1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.
2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.

- A. **CONSENT AGENDA - NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
  - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
  - (3) no discussion of the item is desired by the Commission; and
  - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
  - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
  - (2) from the Planning Commission,
  - (3) from the audience, and
  - (4) from Petitioners and their representatives.

At this time, the Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of these items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

- a. PLAN 2013-4F: GLEN AT LOCHDALE, UNIT 4-F (2/24/13)\* - located on Golden Trophy Trail east of Winthrop Drive.  
(Council District 9) **(Eagle Engineering)**

Note: The Planning Commission postponed this plan at their January 17, 2013 meeting.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Dash boundary lines of adjacent property (to clarify extent of plat).
9. Correct numbering in the general notes (note #7).

- b. PLAN 2013-8F: LEXINGTON MALL PROPERTY (SOUTHLAND CHRISTIAN CHURCH) (AMD) (4/7/13)\* - located at 2349 Richmond Road. (Council District 5) **(Strand Associates)**

Note: The purpose of this amendment is to subdivide 1 lot into 3 lots and add an easement.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of purpose of amendment note.
8. Addition of length of street in site statistics.
9. Correct plan title.

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10. Correct Commission certification date.
  11. Document compliance with Ordinance 310-98 prior to certification.
  12. Resolve possible need for access easement to park.
- c. PLAN 2013-10F: HIGBEE MILL RESERVE, LOT 3-H (AMD) (4/7/13)\* - located at 4113 Reserve Road.  
(Council District 10) **(EA Partners)**

Note: The purpose of this amendment is to dedicate Stedman Drive.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping.
  4. Addressing Office's approval of street names and addresses
  5. Urban Forester's approval of tree protection area(s) and required street tree information.
  6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
  7. Resolve the timing of opening of Stedman Drive (removal of barrier).
- d. PLAN 2012-32F: LOCHMERE ESTATES (MAPLE RIDGE), UNIT 1-A, SEC. 1 (AMD) (4/30/13)\* - located at 651 Chilesburg Road. (Council District 7) **(EA Partners)**

Note: The purpose of this amendment is to increase and reconfigure the lots, realign the pedestrian trail, update the notes, identify future lots and revise the development standards. The Planning Commission originally approved this plan on May 10, 2012, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Exactions shall be to the approval of the Division of Planning.
10. Addition of bearings, calls and acreage for Lot 62.
11. Clarify site statistics to account for all future lots proposed.
12. Complete owner's certification.
13. Denote flood protection elevations that apply to any lots.
14. Correct note #8.
15. Add standard note regarding silt control requirements.
16. Certification of Final Development Plan prior to plan certification.

Note: The Lexington-Fayette Urban County Council has agreed to accept the previously recorded private street as a public street. The applicant is now requesting Planning Commission approval of the plat that will allow for dedication of the right-of-way, per the Council's recent action.

The Subdivision Committee Recommended: **Approval**, subject to the original conditions, deleting condition #16.

- e. PLAN 2012-33F: LOCHMERE ESTATES (MAPLE RIDGE), UNIT 1-B, SEC. 1 (AMD) (4/30/13)\* - located at 651 Chilesburg Road. (Council District 7) **(EA Partners)**

Note: The purpose of this amendment is to increase and reconfigure the lots, realign the pedestrian trail, update the notes, identify future lots and revise the development standards. The Planning Commission originally approved this plan on May 10, 2012, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Exactions shall be to the approval of the Division of Planning.
10. Clarify site statistics to account for all future lots proposed.
11. Addition of bearings, calls and acreage for Lots 60 and 61.
12. Clarify owner's certification.

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13. Correct note #8.
14. Add standard note regarding silt control requirements.
15. Certification of Final Development Plan prior to plan certification.

Note: The Lexington-Fayette Urban County Council has agreed to accept the previously recorded private street as a public street. The applicant is now requesting Planning Commission approval of the plat that will allow for dedication of the right-of-way, per the Council's recent action.

The Subdivision Committee Recommended: **Approval**, subject to the original conditions, deleting condition #15.

- f. DP 2012-89: NEWMARKET PROPERTY, PHASE I, UNIT 10 (2/14/13)\* - located at 1501 Deer Haven Lane (a portion of). (Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this plan at their November 8, 2012; December 13, 2012 and January 17, 2013 meetings. This plan requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping.
  4. Addressing Office's approval of street names and addresses.
  5. Urban Forester's approval of tree preservation plan and required street tree information.
  6. Department of Environmental Quality's approval of environmentally sensitive areas.
  7. Greenspace Planner's approval of the treatment of greenways and greenspace.
  8. Provided the Planning Commission makes a finding that the plan complies with the provisions of the EAMP.
  9. Denote the area of storm water management improvements proposed for the adjacent Unit 6 property.
  10. Addition of 10' tree protection areas on rear of Lots 30, 31, 33 and 34.
  11. Delete duplicated note #15.
  12. Revise lot numbering to relocate proposed Lots 147 and 148 (not between Lots 23 & 24).
- g. DP 2013-12: MORNINGSIDE MARKET (AMD) (4/7/13)\* - located at National Avenue and North Ashland Avenue. (Council District 3) **(Roberts Group)**

Note: The purpose of this amendment is to revise the building and parking at 720-740 National Avenue. This plan requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping and landscape buffers.
  4. Addressing Office's approval of street names and addresses.
  5. Urban Forester's approval of tree preservation plan.
  6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
  7. Division of Fire, Water Control Office's approval of fire hydrants, fire department connections and fire service features locations.
  8. Division of Waste Management's approval of refuse collection.
  9. Document current occupancy rate relative to required public improvements.
  10. Resolve dumpster location and service arrangement to the approval of Division of Waste Management.
- h. DP 2013-13: ZANDALE SHOPPING CENTER (AMD) (4/7/13)\* - located at 2280 Nicholasville Road. (Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to add retail development and parking on Lot 3.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of fire hydrants, fire department connections and fire service features locations.
9. Division of Waste Management's approval of refuse collection.
10. Include all previous information from previous plan (DP 2010-58).
11. Complete site statistics for all property on development plan, and clarify Lot 3 statistics.
12. Addition of source information.

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13. Addition of new building height in feet.
  14. Correct note #9.
  15. Resolve drive aisles and driveway for drive-through on Lot 2 with addition of curb and markings.
  16. Resolve need and possible location for additional on-site detention.
- i. DP 2013-14: GESS PROPERTY, UNIT 2 (AMD) (5/7/13)\* - located at 4001 Castlebridge Lane.  
(Council District 7) **(EA Partners)**

Note: The purpose of this amendment is to add a new building type, add covered patios, update plan notes, increase buildable area and add parking spaces. This plan requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of fire hydrants, fire department connections and fire service features locations.
8. Division of Waste Management's approval of refuse collection.
9. Denote lots designated in special notes relative to the floodplain setback by asterisk and/or stars.
10. Correct note reference on plan face for emergency access to #25.
11. Identify each building as to type on plan face.
12. Resolve that open space proposed will meet minimum requirements.
13. Clarify proposed pedestrian trail/sidewalk along greenway.
14. Provided the Planning Commission makes a finding that the plan is in compliance with the EAMP.
15. Denote construction access.
16. Denote height of building types and clubhouse.
17. Denote easement information per the approved final record plats.
18. Delete note #15.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission or the audience to permit discussion. He said that the staff had received the required posting of a sign and an affidavit for DP 2012-89: NEWMARKET PROPERTY, PHASE I, UNIT 10; DP 2013-12: MORNINGSIDE MARKET (AMD) and DP 2013-14: GESS PROPERTY, UNIT 2 (AMD), adding that the documentation received for these requests appears to be in order. He then said that DP 2012-89: NEWMARKET PROPERTY, PHASE I, UNIT 10 and DP 2013-14: GESS PROPERTY, UNIT 2 (AMD), require the Planning Commission to make a finding that these plans do comply with the EAMP requirements, and that the staff had previously distributed those reports to the Commission for their review.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. There was no response.

Action - A motion was made by Ms. Blanton, seconded by Mr. Cravens and carried 10-0 (Penn absent) to approve the items listed on the Consent Agenda, to include the Planning Commission making a finding that DP 2012-89: NEWMARKET PROPERTY, PHASE I, UNIT 10 and DP 2013-14: GESS PROPERTY, UNIT 2 (AMD) comply with the provisions of the EAMP.

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
  - (a) proponents (10 minute maximum OR 3 minutes each)
  - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
  - (a) petitioner's comments (5 minute maximum)
  - (b) citizen objectors (5 minute maximum)
  - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

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\* - Denotes date by which Commission must either approve or disapprove item.

**1. FINAL SUBDIVISION PLANS**

- a. PLAN 2013-7F: COLDSTREAM RESEARCH CAMPUS, UNIT 3, LOT 7 (AMD) (4/7/13)\* - located at 1698 McGrathiana Parkway. (Council District 2) **(Strand Associates)**

Note: The purpose of this amendment is to dedicate Tempur Way.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. Denote property address in title block.
9. Remove easements shown in street rights-of-way.
10. Number general notes in sequential order per Article 5-4(f).
11. Provided the Planning Commission grants a waiver to Article 4-7(d)(1) - Certification of Substantial Completion.
12. Resolve applicability of #27 on certified DP 2011-79 to dedication of Tempur Way.

Staff Presentation – Mr. Jarman presented the amended final record plat for Coldstream Research Campus, Unit 3, Lot 7, located at 1698 McGrathiana Parkway. He noted that the purpose of this amendment is to dedicate Tempur Way. He directed the Commission's attention to the rendering of this plat, and oriented them to the overall area and to the surrounding street system. He said that Tempur Way is located just off McGrathiana Parkway, which connects to Citation Boulevard, adding that I-75 is located north of Tempur Way. The Marriott Hotel and Embassy Suites are located to the east.

Mr. Jarman directed the Commission's attention to today's agenda, and noted that the Subdivision Committee had recommended approval of this request. He gave a brief explanation of the conditions, and noted that conditions #1 through #6 are typical standard "sign-offs" from the different local government divisions. The remaining conditions are "clean-up" items. He then said that the Planning Commission is being requested to grant a waiver to Article 4-7(d)(1) to allow the recordation of the plat without posting a warranty surety for the public improvements. He noted that the staff is recommending approval of the applicant's request, subject to the conditions on today's agenda.

Waiver Presentation - Mr. Martin presented the staff report on the requested waiver, and said that the applicant had requested a waiver to Article 4-7(d)(9) of the Land Subdivision Regulations. This waiver pertains to the required bonding and the financial surety required for public improvements. He then said that this request would allow the recordation of a record plat without posting a warranty surety for the public improvements to serve the approved lot. He added that the University of Kentucky is a state institution and is not permitted by law to post such sureties. Therefore, any deficiencies will be corrected by the University within the specified warranty period and would be in compliance with their standard procedures.

Mr. Martin said that the staff is recommending approval of the requested waiver, for the following reasons:

1. Not granting the waiver would constitute an exceptional hardship for the applicant since the University of Kentucky is constrained by State law that does not permit them to post sureties.
2. Granting the waiver will not negatively impact public health and safety, as the completion of the public improvements will be completed, and warranties on the improvements will be provided by the standard contractual procedures utilized and required by the applicant.

Planning Commission Questions – Ms. Roche-Phillips asked why the University of Kentucky is being asked to post the surety when this is Tempur-Pedic's development. Mr. Martin said that the staff is not sure if the University sells properties in Coldstream; but they do lease properties where ownership is maintained by the Commonwealth of Kentucky.

Representation – Sara Tuttle, Strand Associates, was present, and said that they are in agreement with the staff's recommendations and requested approval. In response to ms. Roche-Phillips earlier question, She said that the exception is when a street is dedicated, at which time; the right-of-way becomes the property of the Lexington-Fayette Urban County Government.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Brewer, seconded by Ms. Mundy, and carried 10-0 (Penn absent) to approve PLAN 2013-7F: COLDSTREAM RESEARCH CAMPUS, UNIT 3, LOT 7 (AMD), subject to the conditions, including the waiver to Article 4-7(d)(9) of the Land Subdivision Regulations, as presented by the staff.

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- b. PLAN 2013-9F: FOREST PARK ADDITION, BLK E, LOTS 1, 2, 3 & 4 (A PORTION OF) (AMD) (4/7/13)\* - located at 200 and 202 Waller Avenue. (Council District 3) (Wes Witt)

Note: The purpose of this amendment is to subdivide two lots into three lots.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the proposed buildable area and lot geometrics.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Denote street frontage in site statistics.
8. Add required building lines to lots.
9. Revise owner and surveyor certifications.
10. Denote proposed access locations to public streets.
11. Discuss proposed lot size relative to proposed uses.
12. Discuss proposed lot geometrics.
13. Discuss the lack of buildable area on Lot 1.

Staff Presentation – Mr. Martin presented the amended final record plat for Forest Park Addition, Block E, Lots 1 through 3 and a portion of Lot 4, located at 200 and 202 Waller Avenue. He noted that the purpose of this amendment is to subdivide two lots into three lots. He directed the Commission's attention to an aerial photograph, and oriented them to the overall area and to the nearby street system. He said that these properties are zoned R-2 and are located at the corner of Waller Avenue and Elizabeth Street.

Mr. Martin then directed the Commission's attention to the site plan, and said that the applicant is proposing to change the lot lines, creating a total of three lots. He said that each of the lots fronting on Waller Avenue is 6,000 square feet in size. He added that there is 60 feet of frontage and driveway access for Lot 2, but Lot 1 has less than 60 feet of frontage on Waller Avenue, but more than 60 feet of frontage on Elizabeth Street. He noted that there is a driveway apron on Elizabeth Street that would become a shared access with Lots 1 and 2. He directed the Commission's attention to the 30-foot building setback, and said that the existing structure on Lots 1 and 2 extend across the building line, creating a nonconforming situation on these two lots. He noted that these lots were created in 1919. He then pointed out the 30-foot lot line running down Elizabeth Street, and said that Lot 3 is proposed to be 7,600 square feet in size, with street frontage along Elizabeth Street. He then said that, under the R-2 zoning, the proposed single family lots do meet the minimum square footage for the R-1D zone, which is 6,000 square feet.

Mr. Martin said that the Subdivision Committee recommended postponement of this subdivision, due to some questions regarding the proposed buildable area and lot geometrics. He then said that the staff received a revised submittal on February 11<sup>th</sup> that has addressed some of the issues previously identified at the Subdivision Committee meeting. However, the staff is still concerned that the proposed lot geometrics do not comply with Article 6-4(b) of the Land Subdivision Regulations, which governs lot shape. He directed the Commission's attention to the staff exhibit, and said that Article 6-4(b) states that irregular shaped lots should be avoided where possible. He then said that, with the applicant's proposal, the staff felt that the layout of the lot did not comply with Article 6-4(b), which was the reason for the postponement recommendation. He added that the staff was also concerned whether the layout would function well with the parking and setback requirements.

Mr. Martin said that the staff does believe that this proposal could be approved, but it would require an adjustment of the lot lines. He directed the Commission's attention to the submitted staff exhibit, and said that the lot line for Lot 1 would need to be extended and flush with the adjacent property. However, in doing this the applicant would not be able to build a duplex on Lot 3; and each of these lots would need to be restricted to a single family home. Mr. Martin said that the staff believes the intent of the Subdivision Regulations could be met; but they have not seen a revised submission, nor have they spoken to the applicant. He then said that staff is recommending approval of this subdivision, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
- ~~7. Denote street frontage in site statistics.~~
- ~~8. Add required building lines to lots.~~

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\* - Denotes date by which Commission must either approve or disapprove item.



- ~~9. Revise owner and surveyor certifications.~~
- ~~10. Denote proposed access locations to public streets.~~
7. ~~11. Discuss proposed lot size relative to proposed uses. Revise note to denote that Lot 3 shall have a single family residence.~~
8. ~~12. Discuss proposed lot geometries. Revise the southern lot line for Lot 1 to extend approximately an additional 58.49' feet at its present bearing.~~
9. ~~13. Discuss the lack of buildable area on Lot 1. Denote that the structure on Lot 1 is a non-conforming structure that is intended to remain.~~

Planning Commission Questions – Ms. Beatty said that at the Subdivision Committee meeting, the applicant spoke to how the lots were initially designated with the parking proposed to be in the offset portion of the property. She asked, if the lot lines were to change, creating a single family dwelling, if the proposed parking would create any issue. Mr. Martin replied that the minimum required parking in the Infill and Redevelopment Area for Lot 1 is 1 space; Lot 2 is 1 space, and Lot 3 would be 4 spaces. The staff is very confident that the minimum parking can be met on each lot, depending on the location of the driveways. He added that it is important to note that in the Infill and Redevelopment Area, parking must be behind the building line. He directed the Commission's attention to an aerial photograph depicting Lot 3, and said that, in looking at the lot line layout, the parking on Lot 3 would need to be toward the interior of the lot. He then said that the issue impacting the parking situation is the maximum parking allowed in the Infill and Redevelopment Area. He added that the maximum parking does limit the parking to an additional 50 percent, which means Lot 1 would have a maximum parking of 2 spaces; Lot 2 would have a maximum parking of 2 spaces and Lot 3 would have a maximum parking of 6 spaces. However, Article 16-4(b)(8) states that properties that have one or more street frontage with restricted parking shall be allowed one additional parking space per restricted street frontage over the maximum allowed parking. He said that both Waller Avenue and Elizabeth Street have restricted parking; therefore, Lot 1 would be allowed a total of four parking spaces; Lot 2 would be allowed a total of three parking spaces, and Lot 3 would be allowed a total of seven parking spaces. He then said that these three lots would accommodate a total of 14 parking spaces behind the building line. He added that the applicant would need to be able to meet this requirement, and the staff has not seen a revised submission to determine if parking limits can be met.

Mr. Berkley asked how many bedrooms are being proposed for these lots. Mr. Martin said that, at the Subdivision Committee meeting, the applicant had stated that Lot 1 had been remodeled from 7 bedrooms to 5 bedrooms; the duplex can legally have four bedrooms in each unit, for a total of 8 bedrooms; and as for Lot 2, the staff is unaware of the number of bedrooms proposed for this lot. He then said that more parking may be needed than what the maximum parking can allow, which is a concern for the use, as well as an enforcement concern for this property.

Mr. Cravens asked if the proposed lot currently has sanitary sewer service. Mr. Martin said that there is not a sewer line on Lot 3, and an easement would be needed to extend across Lot 2 to connect to the Waller Avenue line. Mr. Cravens then asked if the proposed building could encroach over the building line to allow both the new and existing structures to match the setback along Elizabeth Street. Mr. Martin said that there is a provision to allow a slight adjustment; but with regard to the geometric layout, the staff would like to review that proposal. Mr. Cravens said that the building could be set back less than 30 feet. Mr. Martin replied that there could be an adjustment along those particular provisions. Mr. Cravens asked what would happen with the parking situation. Mr. Martin said that the staff would need to review that scenario. He then said that, as for that particular provision, it applies to existing lots, noting that this is a proposal for three new lots under the Subdivision Regulations; therefore, it may not apply.

Ms. Mundy said that, at the Subdivision Committee meeting, there was a discussion regarding whether or not the sidewalks could be straightened and asked, with the new alignment of the lots if that is still possible. Mr. Martin said that a 4-foot sidewalk is required, and it is the staff's understanding that the applicant is willing to work with the City.

Ms. Roche-Phillips said that the original lot is being subdivided into three lots. Mr. Martin said that the purpose of this request is to subdivide two lots into three lots. Ms. Roche-Phillips asked the staff to demonstrate the alignment of the existing two lots. Mr. Martin explained the existing lot lines between Lots 1 and 2. Ms. Roche-Phillips asked if the lot line from Lot 2 is coming closer to Lot 1. Mr. Martin replied that there is a slight adjustment. Ms. Roche-Phillips asked if Lot 3 is being created from the rear of Lots 1 and 2. Mr. Martin replied affirmatively. Ms. Roche-Phillips then asked if a house had been on Lot 3. Mr. Martin replied negatively and said that in 1919 these lots were platted as long rectangular lots. He then said that these lots have been developed as single family homes or duplexes with their orientation toward Waller Avenue. He added that this same situation happened on the nearby lot.

Ms. Roche-Phillips said that it seems that the situation on Lot 3 maybe improving, which also improves the situation on Lot 2. She asked if this wouldn't this create a situation on Lot 1 not being able to be rebuilt. Mr. Martin said that if the house were to be removed, the square footage could not be increased and the applicant could rebuild on the existing footprint. He then said that if the applicant wanted to move anything around, they would need to seek relief on the building line from the Board of Adjustment. Ms. Roche-Phillips said that her concern with this request is the Board of Adjustment becoming involved.

Ms. Roche-Phillips then asked, if the maximum parking is 14 cars; and, given the geography of this lot and the applicant hoping to maximize the number of bedrooms, where on this land, 14 cars would be located. Mr. Martin said that without seeing the layout of their design, the proposed lot lines would place parking in the center toward the rear

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\* - Denotes date by which Commission must either approve or disapprove plan.

of the lots. Ms. Roche-Phillips asked if Lot 3 parking can encroach on Lots 1 and 2. Mr. Martin replied that it can not, and said that the parking must be contained, adding that there are requirements, such as setbacks, that must be met. He then said that there could be some relief through easements.

Ms. Roche-Phillips then asked, with respect to the Student Housing Task Force, how many individuals could reside in the new structure on Lot 3. Mr. Martin said that the new structure could have 4 bedrooms in each unit, each occupied by one person, resulting in 8 individuals in the duplex.

The Chair clarified that the house on Lot 1 would become a nonconforming structure if this proposal were to be approved. Mr. Martin replied affirmatively. The Chair then asked if Lot 1 is conforming right now and if changing the lots lines would make Lot 1 nonconforming. Mr. Martin said that the structure on Lot 1 is not conforming because it encroaches over the platted building line. The Chair then clarified the square footage for each of the lots and asked, if the lot line were to be adjusted, if the square footage on Lot 3 would decrease. Mr. Martin replied that the square footage on Lot 3 would be reduced.

Mr. Brewer said that the lot line between Lots 1 and 2 could be adjusted, creating a nonconforming situation for Lot 3 and asked if the house could be adjusted to match the other houses. Mr. Martin said that there is an infill and redevelopment provision that can be used, such that if a person wants to build a house on an existing lot, they can use the setbacks of the lots on either side. He then said that Lot 3 does not exist; it is being proposed. Therefore, this provision does not apply.

Ms. Roche-Phillips said that R-2 zones allow R-1D requirements to be used, and asked if it is the setbacks or uses. Mr. Martin said that, simply put, an R-2 lot can be developed as an R-1D use, if the requirements of R-1D are met. Ms. Roche-Phillips asked, given the new configuration proposed by the staff, if the new lot meets the requirements of the R-1D zone. Mr. Martin replied that all three lots would meet the R-1D requirements. Ms. Roche-Phillips then asked if the lots still meet the R-2 requirements. Mr. Martin replied that they do not in order to be allowed to build a duplex. Ms. Roche-Phillips said that Lot 3 could potentially have 8 bedrooms. Mr. Martin said that that is the information the Committee received at the Committee meeting. He then said that the new structure could have 4 bedrooms in each unit, occupied by one person each, resulting in 8 individuals in the duplex. Mr. Sallee said that if this lot were to be limited to a single family dwelling, it would be limited to 4 unrelated persons or a family. Ms. Roche-Phillips said that the tendency is to allow single family and if he wanted a duplex he could build it. Mr. Martin said that if the applicant wants 8 bedrooms then he needs to build a duplex.

Ms. Blanton asked, if the Commission follows the staff's recommendation by adjusting the lots, if this would require the parking to change. Mr. Martin replied that the requirements do change with only single family uses.

Ms. Plumlee said that with 8 bedrooms there is the potential for 16 cars. Mr. Martin said that the new ordinance governs 4 unrelated persons, resulting in 8 residents and 8 cars, adding that 7 parking spaces would be the maximum allowed.

Representation – Richard Murphy, attorney, was present, along with Craig Hardin, property owner, Paul Lee with Studio A Architecture; and Wes Witt with Witt Engineering. He said that they did not know about the staff's concerns with the Lot 3 reconfiguration or their new recommendation until just prior to today's meeting. He then said that they have not had the opportunity to run through the different options for this request, and they may still request a postponement from the Commission for one month. He added that the staff had assumed that they would meet with them prior to today's meeting to discuss the lot configuration; but they believed that after the Subdivision Committee meeting there were not any issues, which is why they did not schedule a meeting with the staff.

Mr. Murphy briefly explained the history of this property, and said that his client owns a few properties in this area, which include 140, 200 and 202 Waller Avenue. He directed the Commission's attention to a series of pictures from the PVA website, and said that his client had purchased and remodeled 200 Waller Avenue from a tri-plex with 7 bedrooms to a single family with 5 bedrooms, and 202 Waller Avenue has 5 bedrooms. Mr. Murphy said that the Planning Commission had previously approved a development request for 1351 Elizabeth Street; and, in looking at the picture of this house, there is no architectural vision. He then said that his client will not repeat this type design, but rather they will design the new construction to match the character of the surrounding area. He added that in the 80s, 1350 Elizabeth Street was constructed and also designed with no architectural vision.

Mr. Murphy directed the Commission to the rendering of the plan, and said that there are two lots that are zoned R-2 with single family houses. He then said that when this was originally platted in 1919, there were 3½ lots. The lot lines are shown, faintly, on the development plan. He added that, as this property is zoned today, two duplexes could be built on these lots. He said that, in reviewing the options for this proposal, his client could easily obtain a building permit and add a rear addition to 202 Waller Avenue, creating a duplex. He then said that at 204 Waller Avenue, the property owner removed the existing building with a duplex. He added that there are other properties in this area that are adding the vinyl box additions that could have multiple bedrooms.

Mr. Murphy said that subdividing this property and building a duplex seems to be a better option for this area. He then said that for the two lots along Waller Avenue, there could be 4 bedrooms instead of the two bedrooms if

made into a duplex. Instead of changing the existing houses on Waller Avenue, his client opted to subdivide the land, reconfigure the lot lines and add a duplex on the vacant lot. He said that they believed the tuck in the lot would help by taking the parking off the street and allow the stormwater to run into the grass instead of entering the pipes. Mr. Murphy said that the staff has a concern with an irregularly shaped lot, and the ordinance says to avoid very irregularly shaped lots, where possible. There are many irregularly shaped lots, including on cul-de-sacs. He then said that given the fact that these lots are irregular; a duplex was the best option. He added that the proper setbacks could be attained and the parking should be placed away from the street.

Mr. Murphy said that, as for the parking, there are 8 spaces on 200 Waller Avenue and 8 spaces on 202 Waller Avenue, so there won't be a vast increase in parking. He then said that the sanitary sewer would be placed in an easement to connect with Waller Avenue, and with regard to the sidewalk, his client is willing to work with the City to straighten it. He added that the house on Lot 2 is nonconforming, and the Planning Commission can not change that fact, no matter if this request is approved or disapproved. He noted that the concept of setbacks was different in 1919 versus today's concept for the setback requirements.

Mr. Murphy said that they do not agree with the limitation of Lot 3 to one unit; and if the Commission wishes, they can request a postponement to the March 14<sup>th</sup> meeting. He then said that they believe the issue is whether or not the duplex would work better on 202 Waller Avenue or Lot 3. He added that they appreciated the Commission listening to their comments, and noted that they received the staff recommendation just prior to today's meeting. They believed it was important for the Commission to hear this proposal versus requesting a postponement. He said that this is not a very irregularly shaped lot, the proposed location of the parking is better for this area, and this proposal meets the Land Subdivision Regulations.

Planning Commission Questions - Mr. Berkley said that 200 Waller Avenue is an existing building and can not be made into a duplex unless it is done inside the structure. Mr. Murphy replied that it would need to be done inside the existing building. Mr. Berkley then said that 202 Waller Avenue is an existing house; and under this proposal, it would remain a house with a 6,000 square foot lot. Mr. Murphy replied affirmatively. Mr. Berkley said that, even if the request reverted back to the proposed plan, the lot is not large enough to meet the R-2 requirement with the notch that has 1,382 square feet of lot area. Mr. Murphy said that with their proposal, 202 Waller Avenue would remain as a single family house. Mr. Berkley said that there had been a discussion of having the house on Waller Avenue versus Elizabeth Street. Mr. Murphy said that it could be possible to increase the square footage on 202 Waller Avenue to 7,500 square feet by adjusting the lot line. This would allow the duplex to be placed on 202 Waller Avenue and the single family house on the vacant lot. Mr. Berkley asked if that would be a different configuration. Mr. Murphy replied affirmatively.

Mr. Berkley said that parking is part of the problem and asked if there is a site plan to show how parking would be addressed. Mr. Murphy said that this is a plat; and a site plan is not required, but one could be prepared. Mr. Berkley said that the staff had mentioned that to review this proposal properly, a site plan would be needed. Mr. Martin replied affirmatively.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Planning Commission Questions - Ms. Plumlee said that there is a concrete pad at the rear of 200 Waller Avenue and asked if that would be used for parking. Mr. Murphy said that there is a concrete pad and an asphalt area on 200 Waller Avenue.

Ms. Beatty said that, at the Subdivision Committee meeting, the applicant had mentioned that there are 5 bedrooms at 200 Waller Avenue and asked how many bedrooms are in the 202 Waller Avenue property. Mr. Murphy said that there are 5 bedrooms at 202 Waller Avenue. Ms. Beatty then asked, when comparing the applicant's proposal and the staff proposal, how many bedrooms are being anticipated on Lot 3. Mr. Murphy said that they are proposing a duplex on Lot 3, with a total of 8 bedrooms. He then said that under the ordinance each dwelling unit is limited to four unrelated people. For this request there are 8 bedrooms, so 8 people are allowed to reside in the entire duplex. Ms. Beatty then asked, with regard to the staff's proposal, if they believe if Lot 3 were to be a single family unit if it would have 5 bedrooms to match the 200 and 202 Waller Avenue. Mr. Murphy said that the ordinance would limit the structure to 4 bedrooms.

Ms. Roche-Phillips said that she agrees that this is an irregularly shaped lot; and even though this is zoned R-2, she is not supportive of a duplex to be placed on Lot 3. This seems like 8 pounds of flour in a 5-pound sack; and given the issues of stormwater and flooding in this area, this is asking for trouble.

Mr. Murphy said that, in speaking with his client, they would like to request postponement of this plan for one month. He then said that this would allow his client and the staff to meet on the concerns with the parking and storm drainage issues. He added that they appreciate the Commission for taking time to discuss these issues, noting that it has been helpful.

The Chair asked for the applicant to include a site plan along with their submission for Lot 3, showing the proposed duplex and its layout.

Mr. Berkley said that, if there will be 18 bedrooms on these lots, and the maximum parking is 14 spaces, he wants to know more information on the location of the other parking spaces.

Action - A motion was made by Mr. Wilson, seconded by Ms. Plumlee and carried 10-0 (Penn absent) to continue consideration of PLAN 2013-9F: FOREST PARK ADDITION, BLK E, LOTS 1, 2, 3 & 4 (A PORTION OF) (AMD) to the March 14, 2013, Planning Commission meeting.

- c. PLAN 2013-3F: COLDSTREAM RESEARCH CAMPUS, UNIT 6 (4/29/13)\* - located at 1350 Bull Lea Road (a portion of). (Council District 2) **(Strand & Associates)**

Note: The Planning Commission originally approved this plan on January 17, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Addition of building line on Lot 5.
9. Label all areas of zoning on the property and on adjacent property.
10. Correct zoning in site statistics.
11. Denote waiver approved by the Planning Commission and street maintenance agreement.
12. Resolve access across Lot 1 to L.T. Ruth Property.

Note: The applicant now requests a waiver to Article 4-7(d)(9) of the Land Subdivision Regulations.

Waiver Presentation - Mr. Martin directed the Commission's attention to the final record plat for Coldstream Research Campus, Unit 6, located on a portion of 1350 Bull Lea Road. He said that the Planning Commission previously approved this plan on January 17, 2013, subject to the conditions listed on today's agenda. He oriented the Commission to the overall area and to the surrounding street system, noting that the subject property is located just off Newtown Pike and Citation Boulevard on Bull Lea Road.

Mr. Martin said that when this request was first introduced, there were discussions regarding the access easement from Bull Lea Road connecting to the Bluegrass Regional Mental Health Facility. He then said that Bull Lea Road extends from Citation Boulevard and would be serving the Eastern Kentucky Mental Hospital Campus. The Commission previously granted a waiver for the termination of Bull Lea Road, and now the applicant is requesting a waiver to Article 4-7(d)(9) of the Land Subdivision Regulations. He said that this waiver would pertain to the required bonding/surety for constructed public improvements. He added that the University of Kentucky, under state law, is not permitted to post sureties; however, any deficiencies for this small section of Bull Lea Road and other infrastructure will be corrected by the Cabinet within the specified warranty period and in compliance with their standard contractual procedures.

Mr. Martin, referring to the staff report submitted to Commission Members, said that the staff is recommending approval of this requested waiver, for the following reasons:

1. Not granting the waiver would constitute an exceptional hardship for the applicant since the Agency is constrained by the State law that does not permit them to post sureties.
2. Granting the waiver will not negatively impact public health and safety, as the completion of the public improvements will be completed, and warranties on the improvements will be provided by the standard contractual procedures utilized and required by the applicant.

Representation - Sara Tuttle, Strand Associates, was present, and said that they are in agreement with the staff's recommendations and requested approval. She added that, for this particular case, Bull Lea Road was built by the Commonwealth of Kentucky Finance and Administration Cabinet, but would be used by the University of Kentucky. She said that the Commonwealth of Kentucky Finance and Administration Cabinet is not permitted to post sureties, and this is the reason for the waiver request.

Planning Commission Questions - Ms. Mundy asked if this waiver should be denoted on the plan should be denoted. Ms. Tuttle said that the entity who is responsible for the surety submits a letter to the Division of Engineering, which is then accepted as a part of Engineering's requirements. The only difference is who is the entity responsible for the surety.

Audience Comment - The Chair asked if anyone in the audience wished to discuss this request. There was no response.

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\* - Denotes date by which Commission must either approve or disapprove item.

Action - A motion was made by Mr. Wilson, seconded by Ms. Mundy, and carried 10-0 (Penn absent) to approve PLAN 2013-3F: COLDSTREAM RESEARCH CAMPUS, UNIT 6, subject to the previous conditions, including the waiver to Article 4-7(d)(9) of the Land Subdivision Regulations, as presented by the staff.

## 2. DEVELOPMENT PLANS

- a. DP 2013-3: HAMBURG PLACE B-5P & B-6P AREA HIGHWAY COMMERCIAL, LOTS 4 & 5 (AMD) (2/24/13)\* - located at 2200, 2251 and 2277 War Admiral Way. (Council District 6) **(HDR Engineering)**

Note: The purpose of this amendment is to revise the outlots 4 and 5 and add an access to Winchester Road.

The Subdivision Committee Recommended: Postponement. There are concerns about the internal circulation proposed.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of fire hydrant, fire department connections and fire service features locations.
8. Division of Waste Management's approval of refuse collection.
9. Kentucky Transportation Cabinet's approval of access and improvements to Winchester Road.
10. Addition of owner/developer information.
11. Denote building heights.
12. Correct notes #5, #7, and #30.
13. Denote sanitary sewer easement(s) to the approval of Division of Water Quality.
14. Discuss the lack of sidewalk connection to greenway.
15. Discuss proposed access point alignment and parking conflict.
16. Discuss Winchester Road median details and KTC's approval.
17. Discuss status of CLOMR.
18. Discuss drive-through area and drive aisle conflicts with existing parking area.

Staff Presentation - Mr. Taylor directed the Commission's attention to the development plan for the Hamburg Place B-5P & B-6P Area (Highway Commercial) Lots 4 & 5, located at 2200, 2251 and 2277 War Admiral Way. He oriented the Commission to the overall area and to the surrounding street system, and noted that the subject property is adjacent to Winchester Road, just off Sir Barton Way, on War Admiral Way. He said that the nearby uses include a Wal-Mart Super Center, Lowe's, Hobby Lobby and the Sportsman's Warehouse. He then said that the purpose of this amendment is to revise the development of outlots 4 and 5 and add a new right-in and right-out access on Winchester Road. He added that the road improvements do include a median control on Winchester Road to prevent left turns directly into the shopping center, as well as improvements to the internal circulation along War Admiral Way (a private internal roadway).

Mr. Taylor said that the Subdivision Committee recommended postponement of this request due to concerns about the internal circulation proposed. He then said that the applicant did submit a revised development plan to the staff that has addressed many of the deficiencies and issues previously identified by the Subdivision Committee. With that revision, the staff can now offer the following revised recommendation on this development plan.

The Staff Recommends Approval, subject to the following revised requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of fire hydrant, fire department connections and fire service features locations.
8. Division of Waste Management's approval of refuse collection.
9. Kentucky Transportation Cabinet's approval of access and improvements to Winchester Road.
- ~~10. Addition of owner/developer information.~~
- ~~11. Denote building heights.~~
- ~~12. Correct notes #5, #7, and #30.~~
10. 13. Denote sanitary sewer easement(s) to the approval of Division of Water Quality.
- ~~14. Discuss the lack of sidewalk connection to greenway.~~
- ~~15. Discuss proposed access point alignment and parking conflict.~~
- ~~16. Discuss Winchester Road median details and KTC's approval.~~
- ~~17. Discuss status of CLOMR.~~

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- ~~18. Discuss drive-through area and drive-aisle conflicts with existing parking area.~~  
11. Add building envelope and Denote "See note #33" on Outlot 5.  
12. Depict building on Outlot 4 in compliance with Article 12-7(b) of the Zoning Ordinance.

Mr. Taylor gave a brief explanation of the revised conditions, and noted that conditions #1 through #8 are typical standard "sign-offs" from the different local government divisions, and the remaining conditions are clean-up items. He added that the staff did receive an approval correspondence from the Kentucky Transportation Cabinet for their approval of proposed the access and improvements to Winchester Road.

Representation – Keith Messinger, HDR Engineering, was present, and said that they are in agreement with the staff's recommendations and requested approval of the plan.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 10-0 (Penn absent) to approve DP 2013-3: HAMBURG PLACE B-5P & B-6P AREA HIGHWAY COMMERCIAL, LOTS 4 & 5 (AMD), subject to the revised conditions, as presented by the staff.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 10-0 (Penn absent) to approve the release and call of bonds as detailed in the memorandum dated February 14, 2013, from Ron St. Clair, Division of Engineering.

- V. COMMISSION ITEMS** – The Chair will announce that any item a Commission member would like to present will be heard at this time.

- A. PFR 2013-1: FAYETTE COUNTY PUBLIC SCHOOLS** - a Public Facility Review for the expansion and renovation of four schools: Deep Springs Elementary, 1919 Brynell Drive; Glendover Elementary, 710 Glendover Road; Garden Springs Elementary, 2151 Garden Springs Drive; and Jessie Clark Middle School, 3341 Clays Mill Road.

**STAFF RECOMMENDATION: Approval**, as requested, with the following recommendation:

1. Even though the Fayette County Public School System is exempt from Zoning Ordinance requirements, it must still comply with State Building Code requirements. It is therefore recommended that any applicable reviews be conducted and permits obtained from either the Division of Building Inspection or the Division of Engineering prior to commencing construction/remodeling of each school building and site; and that a plan for storm water management be submitted to, and accepted by, the Division of Engineering prior to issuance of any permits for construction on the Jessie Clark Middle School property.

Staff Presentation – Ms. Rackers said that this is a Public Facility Review for the expansion and renovation of four schools: Deep Springs Elementary, 1919 Brynell Drive; Glendover Elementary, 710 Glendover Road; Garden Springs Elementary, 2151 Garden Springs Drive; and Jessie Clark Middle School, 3341 Clays Mill Road. She said that all of these schools are located within residential areas and are surrounded by residential zoning and uses except for Jessie Clark Middle School, which has commercial and professional office uses across Clays Mill Road to the east.

Ms. Rackers directed the Commission's attention to a map for Deep Springs Elementary School, and oriented them to the overall area and to the surrounding street system. She said that Deep Springs Elementary is 10.38 acres and is located on the west side of Brynell Drive, between Bryan Station Road and the Dixie Plantation subdivision. She added that I-75/I-64 is northeast of the school. Ms. Rackers then directed the Commission's attention to the site plan, and said that access would be provided through Brynell Drive, and Sandalwood Drive would be used as the construction entrance. She then said that this school was built in 1963 and had major additions 1966, 1975 and 1988. The elementary school is a one-story building and has 55,745 square feet of space. She said that with selective demolition and the new construction, there would be a net increase of over 13,000 square feet. She then said that the FCPS is proposing to completely renovate the school by removing and replacing mechanical systems, the existing electrical systems, fire protection and fire alarm systems, the interior finishes and door hardware. Ms. Rackers said that the new construction would consist of a complete kitchen renovation, an interior ramped hallway leading to the gym, administrative office area, new classrooms, mechanical room and secondary entry vestibules. Ms. Rackers said that the site improvements would include new paving and expanded parking, improved entries and better overall site circulation. She then said that the school property would be completely ADA compliant. She added that the project would begin in May 2013, would be done in four phases, and construction would end in January 2015. She noted that Deep Springs Elementary representatives were present should the Commission have any questions on this project.

Ms. Rackers then directed the Commission's attention to a map for Glendover Elementary, and oriented them to the overall area and to the surrounding street system. She said that Glendover Elementary is 13.7 acres and is located at the southeast corner of Glendover Road and Bellefonte Drive, just west of Tates Creek Road. This site is zoned R-1C (Single

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\* - Denotes date by which Commission must either approve or disapprove item.

Family Residential) and was built in 1956, with building additions in 1976 and 1985. She said that the existing school building is a one-story building and contains 47,288 square feet of space. Ms. Rackers also directed the Commission's attention to the site plan, and said that the project would be done in two phases, which would include the addition of 22,000 square feet with minimal demolition. She then said that the new construction would consist of a new kitchen and cafeteria, administrative area, a new media center and classrooms. She added that the site improvements would consist a new drop-off loop, with access from Bellefonte Drive. There would no longer be access from Glendover Road. Ms. Rackers said that work will begin in June 2013 and would be completed in November 2014. She noted that Glendover Elementary representatives were present should the Commission have any questions on this project.

Ms. Rackers directed the Commission's attention to a map for Garden Springs Elementary, and oriented them to the overall area and to the surrounding street system. She said that Garden Springs Elementary is 8 acres and is located east of Alexandria Drive and south of Lane Allen in the Garden Springs subdivision. Ms. Rackers then directed the Commission's attention to the site plan, and said that there are three access points from Garden Springs Drive, one of which provides access to the parking area. The other is a looped drop-off/pick-up area. She then said that Garden Springs Elementary was constructed in 1964, with building additions and renovations in 1966 and 1967; and in 1988 there was a major renovation due to a fire. Garden Springs Elementary School is a one-story, 51,660 square-foot building. Renovation will include the media center and cafeteria and selective demolition will remove and replace the mechanical and other systems similar top Glendover and Deep Springs Elementary. The new construction will add 27,025 square feet, consisting of a new administrative area, as well as space for functionally mentally disabled (FMD) learning, a family resource room, kitchen, music room, classrooms and secondary entry vestibules. She said that the site work would consist of an expansion and re-working of the parking and circulation. She then said that the project would be done in three principal phases, with improvements scheduled to begin in May 2013, ending by December 2014. She noted that Garden Springs Elementary representatives were present should the Commission have any questions on this project.

Ms. Rackers then directed the Commission's attention to a map for Jessie Clark Middle School, and oriented them to the overall area and to the surrounding street system. She said that Jessie Clark Middle School is zoned R-1B (Single Family Residential) and it sits on 17.32 acres. The property is located on the west side of Clays Mill Road, south of its intersection with Wellington Way. Ms. Rackers then directed the Commission's attention to the site plan, and said that the access to Jessie Clark Middle School is off Clays Mill Road, noting that the school was constructed in 1962, and had building additions completed in 1990. Jessie Clark Middle School is a one-story structure that contains over 99,000 square feet. The school will be completely renovated with minimal demolition. New construction will include a 2-story addition of 25,595 square feet, for a total of 124,966 square feet of area. She then said that in addition to removal and replacement of mechanical systems and replacement of existing electrical, fire protection/fire alarm systems, all kitchen equipment will be replaced, as well. The site improvements will include new paved areas and improved circulation. Even though new parking spaces are being provided, the parking situation will still be short. She noted that 134 parking spaces are required, but there will only be 126 parking spaces provided. She said that new construction will wrap around three sides of the building and will consist of an administrative area, an interior corridor connection to the gym, space for music and art instruction, enrichment classrooms, an elevator and two entry vestibules. According to information from Fayette County Public Schools, the site work is designed to "interface with LFUCG road and utility work along Clays Mill Road, while allowing the school to continue its primary functions". Ms. Rackers said that there is a FEMA floodplain near the school property to the north, but the staff is unaware of any past problems. She then said that a detention basin has been constructed to help reduce the flooding at the intersection of Wellington Way and Clays Mill Road. In addition, the Wellington Park has a designated greenway and treed area to further help with the flooding issues in this area. She said that it is not likely that the new construction would affect either floodplain area, but the staff is recommending that erosion control measures be taken during all phases of construction to minimize any flooding or runoff problems in the area. She noted that representatives are present for Jessie Clark should the Commission have any questions on this project.

Ms. Rackers said that the staff reviewed the Comprehensive Plan, and there are no Goals, Objectives or text in opposition to these four requests. She then said that the Land Use Element of the Plan recommends that each property be used for Public Education purposes, recognizing its historic use as a public school and indicating a desire for it to remain so. The text of the Comprehensive Plan, including both the Land Use Element and the Community Facilities chapter, supports the projects, as do several Goals and Objectives. She said that staff does find these four requests to be in compliance with the Comprehensive Plan, and all the projects support the School System's goal of becoming a world class school system by the year 2020. The staff is recommending approval, as requested, as note in the staff report and contained on the agenda.

Planning Commission Comments – The Chair thanked each of the school representatives for coming to today's meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action: A motion was made by Mr. Wilson, seconded by Ms. Mundy, and carried 10-0 (Penn absent) to approve PFR 2013-1, for the reasons provided by staff.

- B. UPCOMING WORK SESSION** – The Chair reminded the Commission members of the upcoming work session scheduled for February 21, 2013.
- C. OTHER COMMENTS** – The Chair congratulated Dr. Roche-Phillips in recently completing her doctorate.

VI. **STAFF ITEMS** – No such items were presented.

VII. **AUDIENCE ITEMS** – No such items were presented.

VIII. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	February 21, 2013
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) .....	February 27, 2013
<b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	<b>February 28, 2013</b>
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) .....	March 7, 2013
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	March 7, 2013
<b>Subdivision Items Public Meeting</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	<b>March 14, 2013</b>

IX. **ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 3:56 PM.

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Mike Owens, Chair

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Lynn Roche-Phillips, Secretary